

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

The United States of America, et al.,)	
)	
Plaintiffs,)	
)	Civil Action No. 9:14-230-RMG
vs.)	
)	
BlueWave Healthcare Consultants, Inc.;)	
Latonya Mallory, Floyd Calhoun Dent, III;)	
and Robert Bradford Johnson,)	
)	ORDER
Defendants.)	
)	
)	

Defendants have moved for a new trial, arguing *inter alia* that they are entitled to have the jury's January 31, 2018 verdict set aside because of postings of a juror on Facebook, in violation of the Court's instructions that no social media postings should be made by jurors during the pendency of the trial. (Dkt. No. 880 at 32-34). Although a juror's violation of the Court's instructions should never be taken lightly and any postings made by a juror on a social media site in violation of the Court's instructions should be examined by the Court, "it does not follow that every failure by a juror to abide by that prohibition will result in a new trial." *United States v. Fumo*, 655 F.3d 288, 305 (3d Cir. 2011).

The Court sets a hearing regarding the alleged Facebook postings by Juror No. 118 on March 21, 2018 at 10:00 a.m. in Courtroom 4 at the J. Waties Waring Judicial Center, 83 Meeting Street, Charleston, South Carolina. Juror No. 118 is directed to be present at the hearing and to bring with him copies of the following:

1. All Facebook or other social media postings made by Juror No. 118 relating in any manner to the trial of this matter from January 8, 2018 through January 31, 2018; and
2. Any communications or social media postings received by Juror No. 118 between January 8, 2018 through January 31, 2018 relating in any manner to the trial of this matter.

The Court will conduct the hearing and all questioning of Juror No. 118. The parties and their counsel are invited to attend the hearing. After conducting the hearing, the Court will hear argument solely on the issue of Juror No. 118's conduct and its impact on Defendants' request to set aside the verdict and to order a new trial.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

March 6, 2018
Charleston, South Carolina